



September 17, 2019

Item No. 2

## **APPROVAL OF CONTRACT AMENDMENT TO CONTRACT NO. 11770 WITH PUGH, JONES AND JOHNSON, P.C. FOR ETHICS OFFICER AND EEO OFFICER SERVICES**

Presenter: Cheryl Colston, Chief Legal Officer

### **Recommendation**

The Chief Executive Officer recommends that the Board of Commissioners of the Chicago Housing Authority approve an amendment to Contract No. 11770 increasing the contract in a not-to-exceed amount of up to \$75,000 with Pugh, Jones and Johnson, P.C. ("Pugh, Jones") for services as the CHA Ethics Officer and Equal Employment Opportunity (EEO) Officer. The contract is within its final extension period which ends December 31, 2019. The additional increase to Contract No. 11770 shall be subject to the annual appropriated budget for the Office of the Chief Legal Officer applicable to all aggregated Legal Services Agreements.

The requested action in this item complies in all material respects with all applicable Chicago Housing Authority Board policies and all applicable federal (HUD) procurement regulations. Staff have completed all necessary due diligence to support the submission of this initiative.

### **Funding**

CHA Office of Chief Legal Officer

### **Background**

The CHA's Ethics Policy establishes the position of Ethics Officer to be appointed by the CHA's Board of Commissioners. Pursuant to the CHA's Ethics Policy, the CHA Ethics Officer is responsible for monitoring and performing services in the administration and enforcement of the Ethics Policy.

Pursuant to a solicitation in 2016, CHA entered into a professional services agreement (Contract No. 11770) with Pugh, Jones & Johnson, P.C. on a firm-fixed rate basis, and in an amount not-to-exceed \$90,500 for a one-year base term, effective July 1, 2016 through June 30, 2017, to perform and provide professional services as the CHA's Ethics Officer and EEO Officer, with a one-year extension option reserved to the CHA. The CHA exercised the one-year option under the same terms and conditions as the initial contract, extending the term of the contract through June 30, 2018 and increased the contract

in an amount of \$90,500 (for a total contract amount of \$181,000). Under Resolution No 2018-CHA-43, the Board authorized a contract extension of Contract No. 11770 for an additional one-year term, effective through June 30, 2019 under the same terms, condition and compensation as the prior approvals. A second contract extension was approved under Resolution No. 2019-CHA-32 adding: 1) an additional six-month term through December 31, 2019 (during which staff would finalize an evaluation of the related services and recommend a permanent process for providing such services); and 2) increased funding under the contract in an amount not to exceed \$55,000.

While Contract No. 11770 is characterized as a Legal Services Agreement, the retention of an Ethics/EEO Officer and the legal mandate that any matter referred to the Ethics/EEO Officer must be investigated, the Chief Legal Officer nor CHA are able to predict, with any degree of certainty, the volume of work of the Ethics/EEO Officer. Due to an increase in EEO matters being handled under Contract No. 11770, a contract amendment is now being requested to add an additional amount not-to-exceed \$75,000 to the Pugh, Jones and Johnson, P.C. professional services agreement. This amount is expected to be sufficient to pay all pending and anticipated invoices over the next few months, until such time as an internal permanent hire is in place before the end of this year.

### **Conclusion**

The vendor's performance under Contract No. 11770 has been satisfactory during the term of the agreement, and the CHA now seeks the authorization of the Board of Commissioners to amend the agreement in an amount not-to-exceed \$75,000 and upon the same prevailing terms and conditions.

Respectfully Submitted:

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Cheryl Colston  
Chief Legal Officer

**RESOLUTION NO. 2019-CHA-**

**WHEREAS,** The Board of Commissioners of the Chicago Housing Authority has reviewed the Board Letter dated September 17, 2019 entitled "Approval of Contract Amendment to Contract No. 11770 with Pugh, Jones and Johnson, P.C. for Ethics Officer and EEO Officer Services."

**THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO HOUSING AUTHORITY:**

**THAT,** the Board of Commissioners authorizes the Chief Executive Officer or his designee to enter into an amendment to Contract No. 11770 with Pugh, Jones and Johnson, P.C. increasing the contract in a not-to-exceed amount of up to \$75,000 for the remainder of the term, until December 31, 2019. Such services performed under the amendment to Contract No. 11770 shall be subject to the annual appropriated budget for the Office of the Chief Legal Officer applicable to all aggregated Legal Services Agreements.

This award is subject to the Contractor's compliance with the CHA's applicable MBE/WBE/DBE/ Section 3 hiring and insurance requirements.

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James L. Bebley  
Acting Chief Executive Officer  
Chicago Housing Authority